

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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PATRICK VARGAS,

Plaintiff,

v.

CITY OF TRACY; SOUTH SAN JOAQUIN
COUNTY FIRE AUTHORITY; RANDALL
BRADLEY, in his individual and
official capacity as Fire Chief
of the South San Joaquin County
Fire Authority; and DOES 1
through 20, inclusive,

Defendants.

No. 2:22-cv-01454 WBS KJN

ORDER RE: DEFENDANT RANDALL
BRADLEY'S MOTION TO STRIKE
PRAYER FOR PUNITIVE DAMAGES

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Upon review of the moving papers and following oral
argument, defendant Randall Bradley's motion to strike
plaintiff's prayer for punitive damages (Docket No. 29) is hereby
GRANTED, without prejudice to plaintiff's right to amend the
complaint to sufficiently allege that defendant Bradley's conduct
was driven by an evil motive or intent, or involved a reckless or
callous indifference to the constitutional rights of others, see

1 Morgan v. Woessner, 997 F.2d 1244, 1255 (9th Cir. 1993), or
2 involved oppression, fraud, or malice, see Cal. Civ. Code § 3294.
3 Plaintiff has fourteen days from the date this Order is signed to
4 file an amended complaint consistent with this Order.

5 IT IS SO ORDERED.

6 Dated: March 7, 2023

A handwritten signature in blue ink, appearing to read "William B. Shubb", is written over a horizontal line.

7 WILLIAM B. SHUBB

8 UNITED STATES DISTRICT JUDGE
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